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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

MARK HERMANSON, CHUN-YU CHEN,
and SHUANG LIN, individually, and on
behalf of all others similarly situated,

Plaintiffs,

vs.

LENOVO GROUP LIMITED and LENOVO
(UNITED STATES) INC., a Delaware
corporation,

Defendants.

Case No.: 4:23-cv-05890-JSW

**DECLARATION OF DANIEL A. ROZENBLATT
IN RESPONSE TO THE COURT'S ORDER TO
COUNSEL TO SHOW CAUSE, DATED
FEBRUARY 1, 2024**

Action Filed: August 31, 2021
FAC Filed: January 25, 2022
Trial Date: None Set

1 I, Daniel A. Rozenblatt, declare as follows:

2 1. I am an attorney licensed to practice law in California and am admitted to practice
3 before this Court. I am counsel to Plaintiffs Mark Hermanson, Chun-Yu Chen, and Shuang Lin
4 (collectively, “Plaintiffs”) in the above-captioned action. The following facts are within my personal
5 knowledge, except as to those matters which are based on information and belief, and as to those
6 matters I believe them to be true to the best of my knowledge. If called as a witness herein, I can and
7 will competently testify thereto.

8 2. I deeply regret having wasted the Court’s time with a dispute that will not materially
9 advance this litigation and apologize for having done so.

10 3. Following the case management conference on January 12, 2024, I followed the
11 Court’s directive and re-reviewed the Guidelines for Professional Conduct for the Northern District
12 of California (“Civility Guidelines”). I have taken the Civility Guidelines seriously and have
13 adhered to them to the best of my ability. Specifically, I have reviewed all emails sent by my co-
14 counsel and associates prior to their being sent to opposing counsel to ensure they are civil,
15 respectful, and professional. Conversely, I have had all emails that I send to opposing counsel
16 reviewed by my co-counsel and associates to ensure that my communications, too, are civil,
17 respectful, and professional.

18 4. My team and I have also taken additional steps to ensure that all of the documents we
19 have filed since January 12, 2024 comply with the Civility Guidelines. Prior to filing any document
20 with the Court, the document is reviewed by several attorneys and goes through several rounds of
21 edits, including what we now internally refer to as “civility edits” or a “civility check.” We do not
22 use those terms facetiously. We have sincerely endeavored to conduct ourselves with the civility and
23 professionalism this Court expects of us and that which we owe to our profession. I believe that
24 since January 12, 2024, we have conducted ourselves as such, notwithstanding our prior failures,
25 and specifically my own prior failures to do so.

26 5. With respect to Plaintiffs’ motion to strike a single sentence in Lenovo’s reply brief
27 that we filed on January 31, 2024 (“Motion”) (dkt. 28), my team and I spent substantial time
28 deliberating internally before deciding to file the Motion. Ultimately, it was my decision to proceed

1 with filing the Motion, and I take full responsibility for it.

2 6. At the time, we did not believe filing the Motion would be a waste of the Court's
3 time. We believed the sentence at issue erroneously assigns a position to Plaintiffs regarding what
4 we viewed as a material issue, an issue which we believed could impact the Court's ruling on
5 whether Plaintiffs can pursue injunctive relief.

6 7. We first attempted to address the issue with opposing counsel by sending them an
7 email notifying them of our position and requesting that they file a notice of errata. I was
8 responsible for sending the email, and prior to sending it, I had it reviewed by members of my
9 team to ensure it complied with the Civility Guidelines. I believe it does.¹

10 8. After opposing counsel declined our request, my team and I deliberated further on
11 what next steps to take. Because we believed the position assigned to Plaintiffs was material and
12 could impact the Court's ruling, we believed it was important to raise the issue with the Court.
13 Given, however, that the issue first arose in a reply brief, we did not know how else to raise it apart
14 from filing the instant Motion.

15 9. Prior to filing the Motion, we researched and reviewed filings in this district made by
16 other litigants in a similar posture. We did so to ensure the Motion was not unprecedented and
17 would not be received poorly by the Court. We were wrong, and specifically I was wrong for
18 advocating for filing the Motion.

19 10. I apologize for having wasted the Court's time. Going forward, I will act with more
20 prudence to ensure that neither I, nor any other attorney acting on behalf of Plaintiffs, waste any
21 more of the Court's time.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st
23 day of February, 2024 at San Francisco, California.

24
25 

26 Daniel A. Rozenblatt

27
28 ¹ A copy of my email is attached as Exhibit A to the Declaration of P. Craig Cardon (dkt. 29-2 at 3).